

Appl. No. 10/090,015
Response date: April 7, 2006

REMARKS/ARGUMENTS

A call to Examiner Sedighian on January 17, 2006 confirmed that the Office Action mailed on January 11, 2006 has a standard period for reply, rather than the one-month period for reply as stated on the Office Action Summary.

Claims 21-40 are pending; claim 40 is allowed. Claims 21-23, 26, 27, and 35-37 are rejected. Claims 24, 25, 28-34, 38 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding the § 112 rejections, claim 21 was rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 has been cancelled and the limitation in question eliminated from the claims that were dependent upon claim 21. Although it was allowed, claim 40 was amended to eliminate the 112 issues cited against claim 21 involving the words "the nodes".

Claims 21-23, 26, 27, and 35-37 are rejected as being anticipated by Fee (US Patent No. 5,777,761) under 35 USC § 102(b). However, Fee does not disclose spectral group routers as stated in the Action, but discloses and teaches nothing more than space division switches (SDS) 108 (see col. 4, lines 20-21), which merely switches all signals in a fiber provided at the input of the switch to an output of the switch. The Applicants' interpretation of the disclosure is consistent with the apparent intent of the invention, see col. 3, lines 16-20. Conversely, spectral group routers of the claimed invention take the optical signal from the fiber and break it up into a plurality of spectral groups, each of which is switched independent of the other groups. The SDS of Fee do not perform this type of function, because the SDS operate on the optical signal level and not the wavelength level. It is the simplicity of operating at the optical signal level that is apparently sought in Fee, see col. 3, lines 20-22. As such, Applicants respectfully request the withdrawal of the Fee-based rejections.

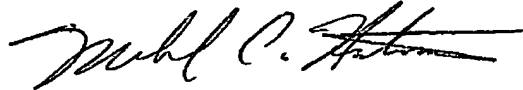
To facilitate allowance, Applicants have amended claims 24, 28, 29, and 38 to be in independent form including all limitations of the base and intervening claims as per the objection to make the claims allowable, cancelled claims 21 and 35-37, amended the dependencies of claim 22, 26, and 30 to depend from the new independent claims. In addition, new claims 41-44 were added, which apply the limitations of dependent claims 22, 23, and 27 to the new independent claims.

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In view of the above response, Applicants believe that the claims are in condition for allowance, and respectfully request that such action be taken. If the Examiner has any questions pertaining to this Amendment or to the subject application in general, the Examiner is encouraged to contact the undersigned.

Applicants believe that no additional fees are due with this response. However, the Commissioner is authorized to charge any fees, including those under 37 CFR 1.16 and 1.17, necessitated by this amendment and credit any overpayments to Deposit Account No. 500477.

Respectfully submitted,



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